

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MEMORANDUM AND ORDER

In October 2003, Defendant United States Steel Corporation loaded 52 steel coils into an uncovered barge owned by Plaintiff Ingram Barge Company. On October 10, 2003, Defendant Lewis & Clark Marine, Inc. had Plaintiff's barge in tow on the Mississippi River. As the barge was turned around in the river the steel coils rolled to one side of the barge causing it to list. In an attempt to prevent the barge from sinking, the pilot of the tug boat maneuvered the barge to the Illinois bank of the river. After salvage operations were conducted, the barge was deemed a total loss and sold for scrap.

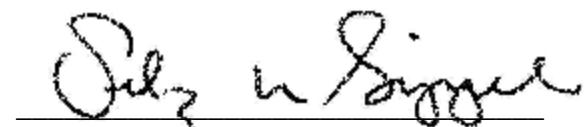
Plaintiff Ingram sued the Defendants seeking compensation for the loss of its barge and the cargo of rolled steel coils. Defendants have each moved for summary judgment.

Summary judgment is appropriate if the evidence, viewed in the light most favorable to the nonmoving party, demonstrates that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. Lynn v. Deaconess Medical Center, 160 F.3d 484, 486 (8th Cir. 1998)(citing Fed. R. Civ. P. 56(c)).

Plaintiff Ingram has produced evidence which creates genuine issues of fact in its claims against both of the Defendants which precludes summary judgment for either Defendant.

Accordingly,

IT IS HEREBY ORDERED that Defendant United States Steel Corporation's motion for summary judgment [#71] and Defendant Lewis & Clark Marine, Inc.'s motion for summary judgment [#73] are **DENIED**.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 19th day of July, 2006.